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11 THE STATE BAR COURT

12 HEARING DEPARTMENT - SAN FRANCISCO

14 In the Matter of ) Case No. 07-O-13017  
15 JONATHAN D. NEWMAN, )  
16 No. 47353, ) NOTICE OF DISCIPLINARY CHARGES  
17 A Member of the State Bar. )

18 **NOTICE - FAILURE TO RESPOND!**

19 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE  
20 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR  
21 IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR  
22 DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN  
23 INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE  
24 PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE  
ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF  
THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO  
PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR  
DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO  
ADDITIONAL DISCIPLINE.

25 STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN  
26 RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

27 IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY  
28 THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF  
ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE  
PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED

1 BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION  
2 WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE  
3 BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE  
4 ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE  
5 ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON  
6 PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH  
7 CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS  
8 APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE  
9 BAR COURT PROCEEDINGS.

10 The State Bar of California alleges:

11 JURISDICTION

12 1. Jonathan Newman ("Respondent") was admitted to the practice of law in the State  
13 of California on August 24, 1970, was a member at all times pertinent to these charges, and is  
14 currently a member of the State Bar of California.

15 COUNT ONE (A)

16 Case No. 07-O-13017  
17 Rules of Professional Conduct, rule 3-110(A)  
18 [Failure to Perform with Competence]

19 2. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by  
20 intentionally, recklessly, and repeatedly failing to perform legal services with competence, as  
21 follows:

22 3. Jeannette E. Baneat is the mother of Jean Marie Baneat and Joelle Bautista.

23 4. Jeannette E. Baneat is the trustee of a trust which controls a residential unit on  
24 Judah Street in San Francisco, California.

25 5. On or about October 31, 2006, Jeannette E. Baneat ("Baneat"), hired respondent  
26 to represent her in an unlawful detainer suit for a residential unit located on Judah Street in San  
27 Francisco, California. The unlawful detainer was to evict Jean Marie Baneat ("Jean Marie") from  
28 the unit. Baneat also retained respondent to secure rehabilitation services for Jean Marie's  
alcoholism.

6. On or about October 31, 2006 and at all times relevant to this Notice of  
Disciplinary Charges, Baneat authorized respondent to communicate with her daughter Joelle  
Bautista regarding the legal representation. Respondent actually knew he was authorized to  
communicate with Joelle Bautista.

1           7.       On or about November 6, 2006, respondent received \$1,500 in advanced  
2 attorney's fees and costs from Baneat.

3           8.       On or about December 6, 2006, respondent e-mailed Baneat a draft Three-Day  
4 Notice to Quit directed to Jean Marie.

5           9.       On or about December 20, 2006, respondent wrote Jean Marie a letter.  
6 Respondent notified Jean Marie that he had been retained to "undertake the termination of your  
7 tenancy at the Judah Street property." Respondent enclosed the Three-Day Notice to Quit.  
8 Respondent also raised the issue of Jean Marie vacating the unit and entering a rehabilitation  
9 facility for alcoholism. Respondent further stated: "Whether you decide to undertake the  
10 rehabilitation and residential recovery program or not, the Three-Day Notice to Quit will be  
11 applicable and, if necessary, I will take steps to enforce it." Subsequently Jean Marie failed to  
12 communicate with respondent.

13          10.      On or about December 22, 2006, respondent wrote Sam Tomlin of Bear Flag  
14 Process Services. Respondent provided the Three-Day Notice to Quit and asked for written proof  
15 that the delivery was made to Jean Marie.

16          11.      On or about December 22, 2006, respondent wrote Joelle Bautista notifying her  
17 that he had requested the Three-Day Notice to Quit be delivered on Jean Marie.

18          12.      On or about December 31, 2006, respondent provided Baneat with a Statement  
19 for services rendered and costs incurred. The Statement reflected a credit in favor of Baneat in  
20 the amount of \$1,126.

21          13.      Subsequent to December 31, 2006, respondent took no further action on behalf  
22 of Baneat.

23          14.      Subsequent to December 31, 2006, Baneat continued to want Jean Marie evicted  
24 from the unit. Baneat never authorized respondent to cease working on evicting Jean Marie from  
25 the Judah Street property.

26          15.      Subsequent to December 31, 2006, Joelle Bautista never authorized respondent to  
27 cease working on evicting Jean Marie from the Judah Street property.  
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**NOTICE - INACTIVE ENROLLMENT!**

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

Dated: April 22, 2009

By:   
Robert A. Henderson  
Deputy Trial Counsel

Assigned Deputy Trial Counsel:

Mark Hartman

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 07-O-13017**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

**Notice of Disciplinary Charges**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9845 6046 7743, at San Francisco, on the date shown below, addressed to:

**Lindsay K Slatter  
1111 Civic Dr., Ste. 215  
Walnut Creek, CA 94596**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

**N/A**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: 4/23/08

SIGNED: Kathleen N. Kehoe  
Kathleen N. Kehoe  
Declarant